

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HARRISON DIVISION

HAZEL E. MCMINNS (BENNELL)

PLAINTIFF

v.

CIVIL NO. 06-3034

MICHAEL J. ASTRUE,¹ Commissioner
Social Security Administration

DEFENDANT

ORDER

On this 10th day of January, 2008, the court has before it for consideration plaintiff's amended request for attorney's fees and costs pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. (Doc. # 16). For reasons set forth in the Report and Recommendation filed by the Honorable James R. Marschewski, United States Magistrate Judge for the Western District of Arkansas, on November 29, 2007, the court finds that the Magistrate's recommendations should be adopted *in toto* and hereby awards plaintiff's attorney fees in the amount of \$719.82, representing 3.20 attorney hours, at the hourly rate of \$140.00, 3.52 paralegal hours, at the hourly rate of \$65.00, and for \$43.02 in expenses. This amount shall be paid in addition to, and not out of, any past-due benefits plaintiff may be awarded in the future. This court finds plaintiff's motion for fees and costs pursuant to the EAJA dated August 28, 2007 (Doc. # 11), is DENIED as moot.

IT IS SO ORDERED.

/s/Jimm Larry Hendren
HON. JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE

¹Michael J. Astrue became the Social Security Commissioner on February 12, 2007. Pursuant to Rule 25(d)(1) of the Federal Rules of Civil Procedure, Michael J. Astrue has been substituted for acting Commissioner Jo Anne B. Barnhart as the defendant in this suit.